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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,228	03/03/2004	Hui Suk Park	5873.38012	4785
21000	7590	02/02/2005	EXAMINER	
DECKER, JONES, MCMACKIN, MCCLANE, HALL & BATES, P.C. BURNETT PLAZA 2000 801 CHERRY STREET, UNIT #46 FORT WORTH, TX 76102-6836			DOAN, ROBYN KIEU	
			ART UNIT	PAPER NUMBER
			3732	

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/792,228

Applicant(s)

PARK, HUI SUK

Examiner

Robyn Doan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 14-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 17-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-13 and 17-24, drawn to a method of attaching supplemental hair, classified in class 132, subclass 201.
- II. Claims 14-16, drawn to a method of making a bundle of supplemental hair, classified in class 132, subclass 207.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and process of using the product. The use as claimed cannot be practiced with a materially different product. Since the product is not allowable, restriction is proper between said method of making and method of using. The product claim will be examined along with the elected invention (MPEP § 806.05(i)).

During a telephone conversation with Mr. Bruce Terry on 01/25/05 a provisional election was made with traverse to prosecute the invention of I, claims 1-13 and 17-24. Affirmation of this election must be made by applicant in replying to this Office action. Claims 14-16 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8 and 17-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "the heating channel, the heated jaw, the supplemental hair applicator" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the glued portion" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 6 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Barrington (5107867).

With regard to claims 1-2, 6 and 10-12, Barrington discloses a method of attaching supplemental hair to natural human hair (figs. 1-5) comprising the steps of

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selecting a plurality of strands of human hair (28) growing from a scalp (col. 4, lines 11-13), directly contacting a cylindrical glued portion (20) of a supplemental hair bundle (22) with a heating element (34) and fusing the glued portion from a solidified state to a workable viscosity (col. 4, lines 40-44), wherein the supplemental hair bundle having a plurality of supplemental hair strands glued to one another at a glued portion by thermoplastic glue (col. 3, lines 62-68 and col. 4, lines 1-10), clamping the glued portion of the supplemental hair bundle while in the solidified state to the selected plurality of strands of human hair using the heating element and allowing mixing of the thermoplastic glue with the human hair (col. 4, lines 38-53), forming a joint between the strand of human hair and the supplemental hair and directly contacting the joint with the heating element (figs. 4-5).

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 17-18 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Korean Patent 10-0396250.

With regard to claims 17-18 and 21, KP '250 discloses a supplemental hair applicator (figs. 3b-6) comprising a heated jaw having a heating channel (40, fig. 4) which is being generally perpendicular to a longitudinal axis of the heated jaw (fig. 4), the heating channel having a channel length substantially equal (fig. 5a) to the length of a glued portion (22) of a bundle supplemental hair (20) and also having a shape that matches the shape of the glued portion (fig. 5a), a kneading jaw moveably connected to

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the heated jaw by a hinge (4), the kneading jaw having a kneading ridge (50) extending above an inside surface of the kneading jaw.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over KP '250.

With regard to claims 19-20, KP '250 discloses a supplemental hair comprising all the claimed limitations in claim 17 as discussed above except for the heating channel length and the length of the kneading ridge being about .5 inches and the heated jaw and the kneading jaw being coated with a material that resists sticking to thermoplastic glue. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to construct for the heating channel length and the length of the kneading ridge being about .5 inches, since such a modification would have involved a mere change in the size of the component. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the heated jaw and the kneading jaw being coated with a material that resists sticking to thermoplastic glue, since it has been held to be within the general skill of a worker in the art to select a

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known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Claims 3-5, 7-9, 13 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrington in view of Korean Patent '250.

With regard to claims 3-5, 7-9, 13 and 22-24, Barrington discloses a method of attaching supplemental hair to natural hair comprising all the claimed limitations as discussed above except for the heating element having a heating jaw with a kneading jaw and the step of applying heat along a length of a portion of half of a lateral face of the cylindrical glued portion. Korean Patent '250 as discussed above discloses the claimed invention. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the applicator as taught by Korean Patent '250 into the heating element of Barrington for the purpose of clamping the glued portion. And it would also have been an obvious matter of choice to apply heat along a length of a portion of half of a lateral face of the cylindrical glued portion for the intended use purpose.

The drawings filed 03/03/04 have been approved by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robyn Doan whose telephone number is (703) 306-

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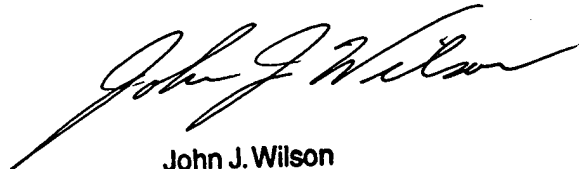
9182. The examiner can normally be reached on Mon-Fri 9:30-7:00; alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (703) 308-2582. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robyn Doan
Examiner
January 28, 2005



John J. Wilson
Primary Examiner